administration and the minuteness of detail spoil the work for continuous reading. On the other hand one using the book for ready reference on a particular topic either misses the broad principle exemplified by the topic or is bewildered by the unfamiliar classification and arrangement.

The task was performed under great difficulties; the eye-sight of the author failed almost entirely; the manuscript of the fourth volume was burned in the fire of the state house at Albany and had to be entirely re-written; the untimely death of the author has prevented the finishing touches from being added to the fourth volume, and has cut short the completion of the work by additional volumes on witnesses, the parol evidence rule, and other subjects usually included in treatises on evidence.

A. M. K.

THE DOCTRINE OF JUDICIAL REVIEW, ITS LEGAL AND HISTORICAL BASIS AND OTHER ESSAYS. By Edward S. Corwin. Princeton University Press, Princeton, New Jersey. 1914. pp. vii, 177. $1.50.

The leading essay in this little book, entitled "Marbury v. Madison and the Doctrine of Judicial Review", belongs with a number of other books and essays that have appeared within the last few years, dealing with the question of the power of the courts to declare legislative acts unconstitutional. The essay justifies and upholds, by a very careful examination of the case of Marbury v. Madison, the prevailing practices of the courts.

The essence of the writer's position is perhaps found in Hamilton's argument in No. 78 of the Federalist: "The interpretation of the laws is the proper and peculiar province of the courts. A constitution is in fact, and must be regarded by the judges as a fundamental law. It therefore belongs to them to ascertain its meaning as well as the meaning of any particular act proceeding from the legislative body, and, in case of irreconcilable difference between the two, to prefer the will of the people declared in the constitution to that of the legislature as expressed in statute."

The author's general attitude toward judicial review of legislative action is indicated by this passage: "The legislature acts simply upon considerations of expediency. The judges are controlled by precedent, logic, the sensible meaning of words, and their perception of moral consequences. Also, as it happens, our courts are today in a position in construing the constitution to avail themselves of the modern flexible view of law as something inherently developing, in a way never before possible to them. All constitutional limitations setting the bounds between the rights of the community and the rights of the individual have tended of recent years to be absorbed into the constitutional requirement of 'due process of law' and this requirement, in turn, has come to take on the general meaning of 'reasonable law'. So far as constitutional theory itself is concerned there is small ground for the

complaints levelled by reformers at judicial review. When, however, one turns to the more concrete matter of the fitness of particular judges for the great responsibility vested in them by the constitution, there is, of course, often room for discussion."

W. C. J.

THE MECHANICS OF LAW MAKING. By Courtenay Ilbert. Columbia University Press, 30-32 W. 27th St., New York. 1914. pp. viii, 209. $1.50.

This little book is a reprint of the Carpentier Lectures at Columbia University in 1913, with some prunings and some additions. The distinguished author, whose vast experience as parliamentary draftsman and clerk of the House of Commons, qualifies him better to speak upon this subject than perhaps any English speaking person, here discourses entertainingly, though learnedly, upon the theme which he has covered in a more technical way in his Legislative Methods and Forms. Particularly keen and provocative of thought are the author's remarks upon the causes of English indifference to codification, and upon the growing importance of administrative legislation.

Mr. Justice Holmes says: "When a man has a working knowledge of his business, he can spend his leisure better than in reading all the reported cases he has time for. They are apt to be only the small change of legal thought. It is worth while, even with the most mundane ideals, to get as big a grasp of one's subject as one can." There are books which deal with the larger aspects of the law and which are as interesting and attractive as most novels. Sir Courtenay Ilbert's modest contribution is one of those books.

O. K. M.

THE ESTABLISHMENT OF STATE GOVERNMENT IN CALIFORNIA. By Cardinal Goodwin. The Macmillan Co., 64-66 Fifth Ave., New York. 1914. pp. xiv, 359. $2.00.

This is a valuable work, a desired contribution to the study of California history. The core of the book, the main thesis, is thoroughly sound and reliable. It is a pity, therefore, that the introductory chapters, and some portions of the sequel, have no greater authenticity than their sources—the pity, of course, being that the author in these portions drew from second-hand sources. These portions, which we are in a measure disparaging, rely too largely upon Bancroft and Royce. Bancroft's work is so permeated with personal prejudice, antipathy, and resentment, as well as lacking in historical sense and perspective, as to be useless, if not misleading, as a guide and authority. It is a pity, then, that any one who assumes to undertake scholarly research work should place any dependence upon Bancroft's conclusions. And Royce, in a considerable portion of his "California" followed the lead of Bancroft, and is of course no more reliable than his